

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Nelson L. Bruce,)	
)	
Plaintiff,)	
)	Civil Action No. 2:20-3778-BHH
v.)	
)	<u>ORDER</u>
Bank of America, N.A. (a/k/a Bank of)	
America); Carrington Mortgage)	
Services LLC; and Experian Information)	
Solutions Inc.,)	
)	
Defendants.)	
_____)	

Plaintiff Nelson L. Bruce (“Plaintiff” or “Bruce”) filed this pro se action alleging violations of the Fair Credit Reporting Act (“FCRA”), the South Carolina Consumer Protection Code (“SCCPC”), and defamation claims.

In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.), the matter was referred to a United States Magistrate Judge for preliminary determinations. On December 4, 2020, Magistrate Judge Kaymani D. West issued a report and recommendation (“Report”) outlining the issues and noting that this action is virtually identical to an amended complaint Plaintiff attempted to file in another action currently pending before the Court. As a result, the Magistrate Judge recommends that the Court dismiss this action without prejudice and without issuance and service of process. Attached to the Magistrate Judge’s Report was a notice advising Plaintiff of the right to file written objections to the Report within fourteen days of being served with a copy. Rather than filing objections, however, Plaintiff filed a motion to stay proceedings and for enlargement of time. In his filing, Plaintiff requests that the Court stay this matter pending the Fourth

Circuit Court of Appeals' decision in another of his cases. After review, the Court finds no basis for Plaintiff's request, and the Court denies his motion.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" (quoting Fed. R. Civ. P. 72 advisory committee's note).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge's analysis.

Accordingly, the Court adopts and specifically incorporates the Magistrate Judge's Report (ECF No. 13); the Court summarily dismisses Plaintiff's complaint without issuance and service of process for the reasons set forth in the Report; and the Court denies Plaintiff's motion to stay and for enlargement of time (ECF No. 17).

IT IS SO ORDERED.

/s/Bruce H. Hendricks
The Honorable Bruce Howe Hendricks
United States District Judge

January 8, 2021
Charleston, South Carolina